



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.16048 of 2020

Pandi

...Petitioner

-Vs-

- 1.The District Collector,
Theni District, Theni.
- 2.The District Revenue Officer,
Theni District, Theni.
- 3.The Revenue Divisional Officer,
Theni District, Theni.
- 4.The Tahsildar,
Theni District, Theni.
- 5.The Block Development Officer,
(Village Panchayats), Theni.
- 6.Kottur Village Panchayat,
Rep by its President,
Kottur, Theni Taluk,
Theni District.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to consider the petitioner's representation dated 20.10.2020 for re-measuring the land in Kanmoi(a small water body) in survey No.315 and safeguard their property right in accordance with law in respect of property situated at Periyakulam, Chinnnamanur, Kottur Village, Veerappan Kovil Street, in Survey No.319, to an extent of 6.50. Ares.

For Petitioner : Mr.B.Ramar

For Respondents : Mr.K.P.Krishnadoss,
Special Government Pleader.



ORDER

This Writ Petition has been filed, seeking a direction to the respondents herein to consider the petitioner's representation dated 20.10.2020 to re-measure the land in Kanmoi(a small water body) in survey No.315 and to safeguard the property in accordance with law in respect of property situated at Periyakulam, Chinnamanur, Kottur Village, Veerappan Kovil Street, in Survey No.319, to an extent of 6.50. Ares.

2.It is the case of the petitioner that one Mr.V.Chellapani had filed a writ petition in W.P(MD).No.10888 of 2020 before this Court to remove the encroachment made by the village people in the Kanmoi(a small water body) situated in Survey No.315, to an extent of 3 Acres and 69 cents of Kottur Village, Theni Talulk, Theni Distirct. This Court disposed of the above said writ petition with a direction to the respondents to expedite the process of survey and measurement of the said water body(kanmoi) in question and after such process is over, to proceed against the encroachers in accordance with law. However, instead of measuring Survey No.315 alone, the respondents herein have measured the land in Survey No.319. Therefore, the petitioner sent a representation dated 20.10.2020 to the first respondent for re-measuring the land in survey No.315. Since no effective efforts have been taken, he has approached this Court seeking aforesaid prayer.

3.This Court without going into the merits of the case, directs the respondents to consider the representation of the petitioner dated 20.10.2020, after affording opportunity to the petitioner as well as to other persons, who are likely to be affected, within a period of 90 days from the date of receipt of a copy of this order.

4.Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-

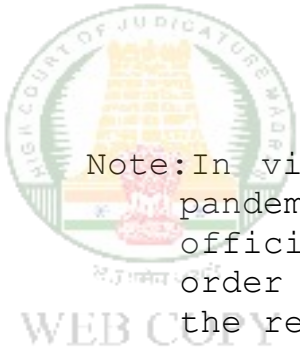
Assistant Registrar(CS-III)

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Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
Theni District, Theni.
2. The District Revenue Officer,
Theni District, Theni.
3. The Revenue Divisional Officer,
Theni District, Theni.
4. The Tahsildar,
Theni District, Theni.
5. The Block Development Officer,
(Village Panchayats), Theni.
6. The President,
Kottur Village Panchayat,
Kottur, Theni Taluk,
Theni District.

+2 CC to M/s.B.RAMAR, Advocate (SR-21994[F] dated 18/11/2020)

Order made in
W.P. (MD) No.16048 of 2020
11.11.2020

PM(CO)
TR(23.11.2020) 3P 9C